

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE NICOLE DONKERS and
SYLVIA V. DONKERS,

Plaintiffs,

v.

Case Number 07-11220
Honorable David M. Lawson
Magistrate Judge Majzoub

REBECCA A. CAMARGO,
LORA JABTECKI, LINDA SMITH, JOHN
DOES 1-3, JANE DOE,
Defendants,

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DISMISSING DEFENDANTS LORA JABTECKI, LINDA SMITH, JOHN DOES 1-3
AND JANE DOE FROM THE ACTION WITHOUT PREJUDICE, AND
WITHDRAWING ORDER OF REFERENCE**

Presently before the Court is the report issued on August 29, 2008, by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss without prejudice the defendants Lora Jabtecki, Linda Smith, John Does 1-3 and Jane Doe from the action without prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge. In addition, the magistrate judge has certified that the matter is ready for trial against the sole remaining defendant.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

67] is **ADOPTED**.

It is further **ORDERED** that Lora Jabtecki, Linda Smith, John Does 1-3 and Jane Doe are **DISMISSED without prejudice** as defendants in this case. The claims against the remaining defendant, Rebecca A. Camargo, will proceed to trial.

It is further **ORDERED** that the parties shall appear for a status conference on **October 2, 2008 at 4:30 p.m.** to establish final case management dates.

It is further **ORDERED** that the order of reference entered April 4, 2007 is deemed withdrawn as of September 23, 2008.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 23, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 23, 2008.

s/Felicia M. Moses
FELICIA M. MOSES

